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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Strengthening of the rule of law

Report of the Secretary-General

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I. INTRODUCTION

A. World Conference on Human Rights

1. The 1993 World Conference on Human Rights, in its Vienna Declaration and Programme of Action strongly recommended that:

> "a comprehensive programme be established within the United Nations in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law. Such a programme, to be coordinated by the Centre for Human Rights, should be able to provide, upon the request of the interested Government, technical and financial assistance to national projects in reforming penal and correctional establishments, education and training of lawyers, judges and security forces in human rights, and any other sphere of activity relevant to the good functioning of the rule of law. That programme should make available to States assistance for the implementation of plans of action for the promotion and protection of human rights". 1/

2. The World Conference also requested the Secretary-General of the United Nations to submit proposals to the General Assembly, containing alternatives for the establishment, structure, operational modalities and funding of the proposed programme. 2/

B. General Assembly resolution 48/132

3. Subsequently, in its resolution 48/132 of 20 December 1993, the General Assembly endorsed the recommendation of the World Conference, and requested the Secretary-General to submit concrete proposals to the Assembly at its forty-ninth session containing alternatives for the establishment, structure, operational modalities and funding of the proposed programme, taking into account existing programmes and activities already undertaken by the Centre for Human Rights. The present report was prepared in response to that request.

C. Framework for strengthening the rule of law

> "Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law" (Universal Declaration of Human Rights, third preambular paragraph).

4. The importance of ensuring that human rights are protected under the rule of law has been emphasized by the United Nations since the drafting of the Universal Declaration of Human Rights, and has guided the Organization in its activities for the promotion and protection of human rights ever since. This is most evident in the work of the United Nations programme of advisory services and technical assistance in the field of human rights (the technical cooperation

programme). This programme, as described below, has been engaged since 1955 in assisting States, at their request, in the building and strengthening of national structures that have a direct impact on the overall observance of human rights and the maintenance of the rule of law.

5. As the programme has evolved, so too have the areas of assistance on which it has focused. Guided by successive General Assembly and Commission on Human Rights resolutions, and by the nature of States' requests themselves, the programme gradually developed capacities for assistance in a range of areas, which now provide a useful framework for national efforts directed at strengthening human rights and the rule of law. Thus the Centre for Human Rights now takes a comprehensive approach to human rights institution-building, which sees as fundamental the following constituent elements for national efforts to secure the protection of human rights under the rule of law:

(a) A strong Constitution, which, as the highest law of the land, *inter alia*:

(i) Incorporates internationally recognized human rights and fundamental freedoms, as enumerated in the International Bill of Human Rights;

(ii) Establishes effective and justiciable remedies at law for violations of those rights;

(iii) Empowers an independent judiciary consistent with the United Nations Basic Principles on the Independence of the Judiciary;

(iv) Enumerates permissible limitations on human rights and restricts them to those determined by law to be necessary for securing due recognition and respect for the rights and freedoms of others and for meeting the just requirements of morality, public order and the general welfare in a democratic society, consistent with article 29 of the Universal Declaration of Human Rights;

(v) Enumerates and limits emergency powers and permissible derogations of human rights and freedoms under states of emergency, consistent with the provisions of article 4 of the International Covenant on Civil and Political Rights and the recommendations of the United Nations Special Rapporteur on states of emergency;

(vi) Provides for non-discrimination on the basis of race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status, and which protects national minorities;

(vii) Establishes national human rights institutions, such as an office of the ombudsman or an independent human rights commission, consistent with the United Nations Principles relating to the status of national institutions (see para. 39 below);

(viii) Provides for the applicability of international human rights treaty obligations in the domestic law of the land;

(ix) Defines and limits the powers of government and its various branches, vis-à-vis each other, and the people;

(b) A strong electoral system, which, inter alia:

(i) Assures that the will of the people shall be the basis of the authority of government;

(ii) Assures the right of everyone to take part in the government of his or her country, either directly or through freely chosen representatives;

(iii) Assures equal access to public service, including elective public service;

(iv) Provides for periodic and genuine elections;

(v) Guarantees universal and equal suffrage;

(vi) Guarantees the secrecy of the ballot;

(vii) Secures an electoral atmosphere that is free of intimidation and respectful of certain prerequisite rights, such as freedom of opinion, expression, information, assembly and association;

(viii) Provides for non-discrimination in the area of political rights;

(ix) Provides for independent review of alleged irregularities;

(x) Provides for objective, unbiased and independent electoral administration;

(xi) Provides for the transfer of power to victorious parties and candidates under the law;

(c) A strong legal framework, under the Constitution, which protects human rights and democracy and provides for effective redress in all key areas, including, inter alia:

(i) Fair immigration, nationality and asylum laws that are consistent with relevant international standards;

(ii) Penal laws and laws of criminal procedure that respect and uphold international standards on human rights in the administration of justice;

(iii) Electoral laws that take account of the above concerns;

(iv) Prison laws and regulations that are consistent with the United Nations Standard Minimum Rules for the Treatment of Prisoners and other relevant international instruments;

(v) Laws for the protection of minorities, women, children and other vulnerable groups that take into account their special status and international standards for their protection and that outlaw and address the effects of discrimination;

(vi) Press laws, libel laws, broadcasting laws and other laws that are respectful of international standards for free expression, opinion and information;

(vii) Laws protecting free association or assembly;

(viii) Security legislation that is consistent with international standards and protects non-derogable human rights;

(ix) Laws on the judiciary, on legal practice and on prosecution that reflect the standards embodied in the United Nations Basic Principles on the Independence of the Judiciary, Basic Principles on the Role of Lawyers, and Guidelines on the Role of Prosecutors, as well as other United Nations standards for the administration of justice;

(x) Laws, guidelines and directives that govern the conduct of police and other security forces consistent with the United Nations Code of Conduct for Law Enforcement Officials and Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, as well as other relevant international standards;

(xi) Fair procedures for the settlement of civil disputes under the law and fair administrative laws, procedures and institutions consistent with international human rights standards;

(xii) Any other laws that may have a direct impact on the realization of internationally guaranteed human rights;

(d) Strong national human rights institutions, including independent commissions on human rights and ombudsman offices, with functions and structures consistent with the Principles relating to the status of national institutions (see para. 39 below), as well as strong national human rights research and training institutes;

(e) A strong judiciary, which is independent and adequately empowered, financed, equipped and trained to uphold human rights in the administration of justice;

(f) An adequate national training regime for lawyers, judges, prosecutors, police and prison officials, which includes attention to their role in the protection of human rights;

(g) A military that has ultimate allegiance to the Constitution and other laws of the land, and to the democratic Government, and is trained in and committed to the principles of human rights and humanitarian law attending legitimate military duties;

(h) Effective and accessible mechanisms for conflict resolution between and among citizens and groups in society and State organs;

(i) Full incorporation into the international human rights system, including through ratification of or accession to international human rights treaties and training of government officials in implementing and reporting under those treaties;

(j) A society that is educated in its rights and responsibilities, including through national human rights curricula in primary, secondary and post-secondary education, and teachers trained in education for human rights and democracy;

(k) A strong civil society, including adequately trained, equipped, financed and organized non-governmental human rights organizations, women's groups, labour unions and community organizations;

(l) Free, responsible and flourishing mass media, which are trained in and committed to fairness and the promotion of human rights.

6. Taken together, these essential elements provide for a legal and institutional framework which will best serve to entrench the rule of law in society, and thereby secure the effective enjoyment of human rights and democracy. In recognition of this, the programme of advisory services and technical assistance of the Centre for Human Rights offers support to States seeking to strengthen these elements. Such support takes the form of comprehensive country programmes and targeted projects, in the form of advisory services of experts, training courses, workshops and seminars, information and documentation projects, fellowships, and some forms of financial assistance. The programme is summarized below. A more detailed description may be found in the report of the Secretary-General to the Commission on Human Rights on advisory services in the field of human rights. 3/

II. EXISTING PROGRAMMES AND ACTIVITIES UNDERTAKEN BY THE CENTRE FOR HUMAN RIGHTS: THE PROGRAMME OF ADVISORY SERVICES AND TECHNICAL ASSISTANCE IN THE FIELD OF HUMAN RIGHTS

A. Mandates from the General Assembly, the Economic and Social Council and the Commission on Human Rights

7. The United Nations programme of advisory services in the field of human rights was established pursuant to General Assembly resolution 926 (X) of 14 December 1955, which authorized the Secretary-General to make provision at the request of Governments for the following forms of assistance with respect to the field of human rights: (a) advisory services of experts; (b) fellowships and scholarships; and (c) seminars. Regional and national training courses were added, respectively, in 1967 and 1986.

8. The Voluntary Fund for Technical Cooperation in the Field of Human Rights was established by the Secretary-General in 1987 pursuant to Commission on Human

Rights resolution 1987/38 and Economic and Social Council decision 1987/147. The objective of the trust fund is to provide additional financial support for practical activities focused on the implementation of international conventions and other international instruments on human rights promulgated by the United Nations and its specialized agencies or regional organizations.

9. Consistent with Commission on Human Rights resolution 1993/87, all activities under the programme are carried out within the common context of the comprehensive programme of advisory services and technical assistance described in this report.

B. Working methods

1. Funding and administration

10. The programme of advisory services and technical assistance is funded from the regular budget of the United Nations. In addition, growing support for projects is received from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, which began operating in 1988 and has to date received more than $11 million in pledges and contributions. The Voluntary Fund is administered by the Centre for Human Rights, with the advice of a board of trustees, currently composed of Ms. Anne-Marie Lizin (Belgium), Mr. Kinhide Mushakoji (Japan), Mr. Luis Pérez Aguirre (Uruguay), Mr. Krzysztof Skubiszewski (Poland) and Dr. Leila Takla (Egypt).

11. In addition to financing from the regular budget and the Voluntary Fund, specific projects are sometimes funded by the Centre's partners in the United Nations system. In recent years, for example, technical assistance projects developed and implemented by the Centre were funded variously by the United Nations Development Programme (UNDP) and by the Electoral Assistance Unit.

12. Whatever the source of funding, projects are implemented within the common context of a single unified and comprehensive programme, administered by the Advisory Services, Technical Assistance and Information Branch of the Centre for Human Rights. Whereas, consistent with resolutions of the Commission on Human Rights, a distinction is maintained between projects financed under the regular budget and under the Voluntary Fund for purposes of accountability, reporting and budgetary information, the common substance and policy of the programme remain.

2. Comprehensive, global programme approach

13. The programme of advisory services and technical assistance is one means by which the United Nations seeks to achieve the objectives of the Charter, the Universal Declaration of Human Rights and other United Nations instruments promoting respect for human rights and fundamental freedoms. This is done through concrete projects, each aimed at the establishment or strengthening of democratic institutions and national and regional infrastructures for the protection of human rights under the rule of law. The increasing relevance of the programme in the current global context of heightened State interest in

democratic transition and the establishment and strengthening of national human rights infrastructures has brought about a corresponding increase in demand from States seeking assistance under the programme.

14. The programme is carried out through the provision of international experts, the organization of seminars, training courses and workshops, the awarding of fellowships and the distribution of grants for the translation and publication of human rights documents. Assistance can also be provided to libraries for human rights books and documentation, and support can be given for the establishment and functioning of national and regional human rights institutes or centres.

15. All programme elements give particular attention to advancing the position of women and minorities, both through inclusion of these issues in the substantive content of the projects and through the encouragement of the participation of women and minorities in the programme itself. Thus subject headings relating to women and to minorities are included in all activities, including training courses, seminars, workshops and publications. Female and minority candidates are encouraged for fellowships, courses, seminars and workshops. Expert panels, in every case, include participation by women.

16. Recently, a careful review of the programme has brought about a shift in the working methods for its implementation. Under the new approach, the Centre for Human Rights, in most cases, responds to a Government's request by conducting a careful assessment of that country's particular human rights assistance needs. Assistance programmes are then designed to address those needs in a comprehensive and coordinated way. The Centre directly implements all projects for which it has a unique or specific competence, drawing on the considerable expertise developed by its staff in those areas, and serves as a focal point and coordinator for other programme elements relating to the human rights needs of the country concerned.

17. The Centre has developed specialized capacities in a number of areas within the context of the programme of advisory services and technical assistance. The following subjects have evolved as the principal areas of focus for the programme, and, owing to their importance in the current global context of democratic transition, should represent the continuing focus of the programme's activities: assistance in the development of national plans of action for human rights; constitutional assistance; electoral assistance; assistance for legislative reform; assistance in the development and strengthening of national institutions; assistance for human rights in the administration of justice, including training for judges, magistrates, lawyers, prosecutors, police and prison officials; human rights and humanitarian law training for the military; training in conflict resolution; encouragement of ratifications of and assistance in meeting reporting obligations under international human rights treaties; human rights curriculum development and teacher training; support to non-governmental organizations and civil society; human rights and the media; human rights information and documentation programmes; fellowships; and needs assessments and evaluations. Each is described, in turn, below.

C. Programme components

1. National plans of action

18. In the Vienna Declaration and Programme of Action (sect. II, para. 71), the World Conference on Human Rights recommended that each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights. To that end, the World Conference further recommended (part II, para. 68) that the Centre for Human Rights, through its advisory services and technical assistance activities, assist States in the preparation of such plans.

19. In accordance with that recommendation, the programme of advisory services and technical assistance can make available expert assistance in the drafting of such plans, and in their implementation. As a first step, the Centre can conduct national needs assessments for human rights, democracy and the rule of law, and can make concrete recommendations, based upon international human rights standards, for institutional, legal, educational and other measures in the short, medium and long terms. The Centre may also act as a focal point within the United Nations system, facilitating the input of other agencies in their respective areas of expertise. At the level of implementation of the plan, the Centre can make available the various components of its advisory services and technical assistance programme, including legal assistance, institutional support, training and information activities, and may, at the request of the Government, prepare a comprehensive country programme of assistance in the field of human rights.

2. Constitutional assistance

20. Under this programme component, the Centre for Human Rights provides assistance for the inclusion of human rights norms in national constitutions, and can play a facilitative role in encouraging national consensus on the elements to be incorporated in those constitutions. Assistance for those purposes may take the form of advisory services of experts, the organization of conferences, provision of human rights information and documentation, or support for public information campaigns to ensure the involvement of all sectors of society.

21. Issues addressed in the Centre's constitutional activities include legislative drafting and constitutional law; the drafting of bills of rights; the provision of justiciable remedies at law; options for the allocation and separation of governmental powers; the independence of the judiciary; the role of the judiciary in overseeing the police and prison systems; states of emergency in constitutional law; incorporating economic, social and cultural rights in constitutional law; nationality, citizenship and asylum; constitutional protection of national minorities; national human rights institutions, including national commissions and ombudsman offices; trade union freedoms; constitutional protections for human rights in the administration of justice; the legal status of international norms in domestic law; permissible limitations on and derogations of human rights; the application of international norms by the courts; constitutional review by the judiciary; constitutional

mechanisms for equality, non-discrimination and the elimination of all forms of racial discrimination; and constitutional provisions for political pluralism.

3. Electoral assistance

22. The Centre for Human Rights has been involved in electoral assistance, through its programme of advisory services and technical assistance, for more than five years. Since 1990, the Centre has provided electoral assistance to Romania (1990-1992), Albania (1991), Lesotho (1991-1993), Eritrea (1992), Angola (1992), Cambodia (1992), Malawi (1992-1993) and South Africa (1993). In addition, the Centre has prepared guidelines for analysis of electoral laws and procedures, published a handbook on human rights and elections, developed draft guidelines for human rights assessments of requests for electoral assistance and carried out a number of public information activities relating to human rights and elections.

23. The approach of the Centre has been firmly institutionalized through the drafting of the handbook and guidelines referred to above. In addition, the Centre has collected a number of electoral laws from democratic jurisdictions for comparative reference and has maintained contacts with a number of independent experts and non-governmental organizations in the field.

24. The principal areas of electoral assistance provided by the Centre include legal analysis and assistance with regard to electoral laws and related legislation; expert analysis and recommendations concerning the prevailing human rights atmosphere and legal and institutional needs, with particular emphasis on certain human rights seen as prerequisites for free and fair elections, including freedom of expression, information, opinion, assembly and association, non-discrimination, and general freedom from intimidation; support for civic education endeavours, including on the human rights aspects of elections; training of public officials with key roles in elections, including electoral officials, police and the judiciary, as well as political parties, the media, non-governmental organizations and others; and needs assessment, with particular emphasis on the legal and human rights aspects of elections.

25. Electoral assistance activities, for the Centre, represent a single point on a continuum of the democratization process, and the Centre is prepared to follow up its involvement in elections with other forms of assistance which may be crucial to post-electoral democratic consolidation and a sustainable democratization process. Thus, in following up its electoral assistance activities, the Centre takes the opportunity to inform States of further assistance for democratic transition available under the programme of advisory services and technical assistance.

26. The Centre has enjoyed close substantial cooperation with the Electoral Assistance Unit and the United Nations Development Programme in this area, and its role in electoral assistance has been enhanced by those relationships. In particular, the areas of electoral assistance provided by the Centre have become clearly defined through this cooperation. In addition, the Centre has been called upon by the Electoral Assistance Unit and UNDP to assist in follow-up and report missions (for example, in Romania), electoral needs assessment (for

example, in Malawi) and legal analysis (for example, in Eritrea, Cambodia, Malawi and Guinea-Bissau).

27. With regard to major United Nations missions, the Centre has cooperated with the United Nations Angola Verification Mission (UNAVEM II) in arranging a pre-election seminar on democracy, human rights and free and fair elections as part of civic education efforts. The target audiences were political parties, law enforcement officials, the media, non-governmental organizations and electoral officers at the national, provincial and municipal levels. Additionally, the Centre cooperated with the United Nations Transitional Authority in Cambodia (UNTAC) through public information activities aimed at audiences throughout the country, including through the translation into Khmer and distribution of human rights materials in the pre-election period. The Centre also provided detailed analytical comments on the draft electoral law for Cambodia.

28. The recent increase in demand for electoral assistance from the Centre for Human Rights has been reflected both in requests from States themselves and in the recommendations of the World Conference on Human Rights, which called in the Vienna Declaration and Programme of Action for assistance to be provided at the request of Governments for the conduct of free and fair elections, including assistance in the human rights aspects of elections and public information about elections. It also called for a strengthening of the Centre's programme of advisory services and technical assistance and for an increase in its resources, both through promoting a larger allocation from the regular budget and through contributions to the Centre's Voluntary Fund for Technical Cooperation in the Field of Human Rights, to allow it, inter alia, to respond to requests for electoral assistance.

4. Legislative reform assistance

29. As a further component of the programme, the Centre for Human Rights makes available international experts and specialized staff to assist Governments in the reform of legislation that has a clear impact on human rights and fundamental freedoms. The goal of such assistance is to bring such laws into conformity with international standards, as identified in United Nations and regional human rights instruments. The Centre offers commentaries on drafts provided by the requesting Government, as well as drafting recommendations which may include comparative references to similar laws in other jurisdictions.

30. Relevant subjects under this component include penal codes; codes of criminal procedure; prison regulations; laws regarding protection of minorities; laws affecting freedom of expression, association and assembly; immigration and nationality laws; laws on the judiciary and legal practice; security legislation; and, in general, any law which might have an impact, directly or indirectly, on the realization of internationally protected human rights.

5. Assistance in the development and strengthening of national institutions

31. One of the central objectives of the advisory services and technical assistance programme, as defined by the Commission on Human Rights, is to consolidate and strengthen the role which national institutions can play in the protection and promotion of human rights. Assistance to national institutions under the programme takes several forms.

32. First, the Centre for Human Rights offers its services to Governments that are considering or are in the process of establishing a national human rights institution. Assistance in such cases may be financial or may involve provision of the services of experts to advise governmental authorities on suitable models, as well as to provide technical information and comparative legislation to facilitate the task of legislative drafting. If a national institution has already been established, the Centre is able to offer similar forms of assistance aimed at strengthening the institution and enhancing its capacity to play an effective role in human rights protection and promotion.

33. Increasingly, the Centre is attempting to utilize the services of existing national institutions in the implementation of its country programmes. In this context, a national institution may cooperate with the Centre in organizing training courses and seminars, translating human rights instruments, or coordinating the work of national non-governmental organizations. This approach offers distinct benefits on both sides. A national institution can be an important facilitator for the Centre in its work and is often in a position to provide crucial administrative, technical and substantive support. The institution can be strengthened internally through its cooperative work with the Centre and gain much-needed support from both within and outside the Government.

34. Other activities of the advisory services and technical assistance programme related to national institutions are not oriented towards a particular country or institution but are instead aimed at promoting the concept of national human rights institutions and encouraging their development on a widespread basis. To this end, the Centre has produced information materials and a practical manual for those involved in the establishment and administration of national institutions.

35. The Centre's Manual on the Establishment and Strengthening of Effective National Institutions is based on the premise that strong and effective national institutions can contribute substantially to the realization of human rights and fundamental freedoms. As more countries take the decision to establish national human rights institutions, the need for guidelines as to how such bodies can be established and operated for maximum effectiveness, increases. The principal function of the Manual is therefore to provide guidance to States that are considering or are in the process of establishing or strengthening such an institution.

36. The Centre has also conducted a number of seminars and workshops to provide government officials with both information and expertise in the structure and functioning of national human rights institutions. These events have also served as useful forums within which to promote the exchange of information and

experience concerning the establishment and operation of such bodies. Two such events were recently organized with the support of the advisory services and technical assistance programme.

37. The first of these was a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination, which was held at Sydney, Australia, from 19 to 23 April 1992. The meeting was organized in cooperation with Australia's Human Rights and Equal Opportunity Commission and formed part of the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. The object of the meeting was to allow national institutions and organizations the opportunity to exchange experiences in combating racial discrimination and to explore ways and means by which national institutions could become effective instruments in enhancing social harmony.

38. The second meeting organized by the Centre for Human Rights was the Second International Meeting of Representatives of National Institutions for the Protection and Promotion of Human Rights, which was held at Tunis from 13 to 17 December 1993. The purpose of the meeting was, inter alia, to invite comments on the Programme of Action for Technical Assistance to National Institutions (see para. 39 below) and on the Centre's draft Manual on the Establishment and Strengthening of Effective National Institutions.

39. Also in 1993, the Centre developed a comprehensive Programme of Action for Technical Assistance to National Institutions, which will now guide the elaboration and implementation of all assistance projects to national institutions. In developing the Programme of Action, the Centre focused on the Principles relating to the status of national institutions endorsed by the Commission on Human Rights in its resolution 1992/54 and by the General Assembly in its resolution 48/134 of 20 December 1993.

40. Note has also been taken of references in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights. The Conference recommended, inter alia, that United Nations activities and programmes be strengthened in order to meet requests for assistance from States for the establishment or strengthening of national institutions; it encouraged cooperation between national institutions, particularly through exchanges of information and experiences, as well as through cooperation with regional organizations and the United Nations; and it recommended in this regard that periodic meetings be convened between representatives of national institutions, under the auspices of the Centre for Human Rights, in order to examine ways and means of improving their mechanisms and sharing experiences.

41. The Programme of Action for Technical Assistance to National Institutions sets out four specific objectives: to promote the concept of national institutions; to assist in the creation of effective institutions; to assist in the strengthening of existing institutions; and to foster cooperation between institutions. Each objective is accompanied by specific components for its implementation. Expert assistance, for example, will be one component for implementing the objective of assisting in the creation of effective national institutions. It is expected that such assistance could be utilized in the preparatory and research phases, as well as in the actual process of legislative

drafting and in the initial stages of recruitment for key positions. In order to foster cooperation and integration between national institutions, expert assistance will, as far as possible, be sought from within functioning national institutions in the same region or subregion as the project country.

42. Assistance provided by the Centre for strengthening national institutions may include training of staff; advice on the domestic implementation of international instruments; training and assistance in the drafting of reports to United Nations treaty bodies; training and information on the effective investigation of human rights violations; training in conflict resolution; assistance in the establishment of cooperative relationships with appropriate partners; information on obtaining and managing resources; assistance in conducting reviews and evaluations; and the provision of human rights fellowships to members and staff of national institutions.

6. Administration of justice: judges, magistrates, lawyers, prosecutors, police and prison officials

(a) Professional training for human rights in the administration of justice

43. The Centre for Human Rights, through its programme of advisory services and technical assistance, has been involved for many years in the training of judges, lawyers, prosecutors, police officers and prison personnel in the area of human rights in the administration of justice. A recent review of these activities by the Centre has resulted in a new programme approach. Courses of this type offered by the Centre are now based on the following elements:

Collegial presentations

44. The Centre draws from a list of experts which is practical in orientation. Rather than assembling panels composed entirely of professors and theorists, the Centre opts for practitioners in the relevant field, be they lawyers, judges or police officers. In the experience of the Centre, much more can be accomplished through the collegial approach of police discussing with police than by a professor-student model of training.

Training the trainers

45. National participants in the Centre's courses are selected on the understanding that their responsibilities will continue after completion of the training exercises. They will be charged with conducting their own training or dissemination efforts after returning to their normal duty station. In this way, the impact of such courses is multiplied several-fold, as the information imparted is disseminated throughout the institutions concerned.

Pedagogical techniques

46. All courses developed by the Centre include a section designed to introduce a variety of effective techniques for the training of adult audiences. In particular, suggestions are made for the use of creative, interactive teaching methods, which offer the best hope for securing the active, engaged

participation of the programme participants. Recent discussions between staff of the Centre and a number of non-governmental organizations with extensive training experience have resulted in the identification of the following techniques as especially appropriate and effective in human rights training for adults: working groups, lecture-discussion, case-studies, panel discussion, round-table discussions, brainstorming, simulation and role-playing, field trips, practica and visual aids.

Audience-specificity

47. The mere recitation of vague principles of general applicability offers little hope of affecting the actual behaviour of a given audience. To be effective - indeed, at all worthwhile - training and education efforts must be directly targeted and appropriately addressed to a particular audience, be they police, health-care workers, lawyers, students or others. Accordingly, the content of the Centre's teaching activities focuses more on the standards directly relevant to, for instance, the daily work of police, and less on the history or structure of United Nations machinery.

Practical approach

48. According to the report of a recent parliamentary commission investigating human rights violations at one country's police stations, the police, when confronted with evidence of abuses, said that they lacked understanding about interrogation methods and techniques, that they carried out interrogations by outdated methods and that they did not know how interrogations were carried out in democratic and developed countries. In order to compare their methods and improve them, they wanted to have the chance to do research and make observations on interrogation methods in democratic countries. Such comments reveal two important areas of focus, extendable by analogy to audiences other than police trainees. First, offering justifications of any kind for serious violations like torture demonstrates a lack of familiarity with the most fundamental of standards for human rights in the administration of justice. There are no legitimate justifications for such acts. Secondly, police (and other groups) in the real world want to know not only what the rules are, but also how to do their jobs effectively within the confines of those rules. Training efforts that ignore either of these areas will likely be neither credible nor effective. Accordingly, the Centre includes practical information on proven techniques for the performance of the target audience's duties, as derived from the recommendations of experts and literature on the current best practice for the profession in question.

Comprehensive presentation of standards

49. The courses of the Centre are intended to be thorough in their presentation of the relevant international standards. To this end, relevant instruments and simplified learning tools are translated and distributed to participants.

Teaching to sensitize

50. The courses developed by the Centre are not limited to the imparting of standards and practical skills, but also include exercises designed to sensitize

trainees to their own potential for violative behaviour, however unwitting. For example, well-developed exercises which can have the effect of making trainees aware of notions of gender or racial bias in their own attitudes or behaviour can be quite valuable. Similarly, the special import of particular standards as they apply to women, for example, are not always readily obvious. Trainees should be made to understand, for example, that the term "degrading treatment", as found in the various international instruments, may imply different activities and thresholds when applied to women as opposed to men.

Flexibility of design and application

51. To be universally useful, training courses must be designed in such a way as to facilitate their flexible use, without imposing a single rigid focus or approach on the trainers. Such courses must be adaptable to the particular cultural, educational, regional and experiential needs and realities of a diverse range of potential audiences within the target group.

Evaluation tools

52. Training courses include pre- and post-training evaluative exercises, such as testing questionnaires, which serve three crucial purposes. Pre-course questionnaires, when properly utilized, allow trainers to tailor their courses to the particular educational needs of the audience. Post-course questionnaires and evaluation sessions will both allow trainees to gauge what they have learned, and assist in the crucial continuous modification and improvement of courses offered by the Centre.

53. Topics covered in the Centre's courses for law enforcement and prison officials include the sources, systems and standards for international human rights in the administration of criminal justice; the duties and guiding principles of ethical police conduct; the use of force in law enforcement; the crime of torture; effective methods of legal and ethical interviewing; human rights during arrest and interviewing; the legal status and rights of the accused; standards for search and seizure; pre-trial detention and the role of police; the administration of justice in situations of internal conflict, states of emergency and civil disorder; and legal crowd-control measures.

54. Other topics include minimum standards for facilities for prisoners and detainees; prison health issues, including AIDS and the HIV virus; special categories of prisoners and detainees, including juveniles, women and remand prisoners; prison administration, discipline, punishment and recourse procedures; juvenile offenders and police, prison and military officials; crowd control and the use of force; the rights of women in the administration of justice; protection and redress for victims; community policing and non-custodial measures; protection of refugees in criminal justice; non-discrimination and minority relations; investigating violations; effective human rights training; and the establishment and administration of democratic policing.

55. Topics offered for judges, lawyers and prosecutors through the Centre's courses include international sources, systems and standards for human rights in the administration of justice; human rights during criminal investigations,

arrest and pre-trial detention; the independence of judges and lawyers; the elements of a fair trial; juvenile justice; protection of the rights of women in the administration of justice; human rights under states of emergency; standards for the treatment of prisoners; non-custodial measures; and non-discrimination and equal justice.

56. The purposes of these courses are to familiarize participants with the international standards for human rights in the administration of justice, to facilitate examination of humane and effective techniques for the performance of law enforcement and judicial functions in a democratic society and to prepare participants to include this information in their own training activities.

57. This approach to professional training for human rights in the administration of justice is currently undergoing in-field testing by the Centre in its technical cooperation activities in a number of countries, and has been subjected to a series of revisions based on those experiences.

(b) Advisory services for the administration of justice

58. The Centre for Human Rights continues to provide advisory services of experts to assist States, at their request, in the domestic implementation of international standards for human rights in the administration of justice. Advice offered under the programme is derived from the standards themselves, from the comparative practice of other democratic jurisdictions and from the analysis of expert consultants and specialized staff of the Centre. The usual focus of such activities is on assisting States in their efforts to revise penal laws, laws of criminal procedure, prison regulations, laws on the judiciary and related legal texts.

(c) Dissemination of international instruments relevant to the administration of justice

59. Efforts have continued to ensure the widest possible dissemination of the texts of the international instruments relevant to human rights in the administration of justice. These efforts have included ad hoc translation and distribution of relevant instruments in the context of technical assistance activities of the Centre for Human Rights, as well as the inclusion of the instruments in the latest edition of the United Nations publication Human Rights: A Compilation of International Instruments.

60. In each of the training courses and seminars offered under the programme, relevant international instruments are translated (where necessary) and distributed to participants. In addition, specific human rights information projects have been undertaken by the Centre in a number of countries, and have included many of these instruments.

7. Human rights training for the military

61. As noted in the above framework for strengthening the rule of law (see para. 5 (g) above), it is essential for the good functioning of the rule of law that the armed forces be bound by the Constitution and other laws of the land,

that they answer to the democratic Government, and that they are trained in and committed to the principles of human rights and humanitarian law attending their legitimate functions in society.

62. The Centre for Human Rights has carried out a number of training activities for military officers. Traditionally, such training was provided in the context of larger exercises comprising police, prison and military officials together. As the Centre's programme development activities have evolved, policies were revised to focus instead on targeted training to individual professional audiences, as indicated in the Centre's official approach to training, which was adopted on the basis of careful study of effective professional training. This approach emphasizes attention to the particular duties of the target audience and the use of consultants and trainers from the relevant field. Thus the Centre no longer relies principally on professors to teach lawyers, lawyers to teach police, or police to teach the military. Rather, the rule of relevance to the work of the target audience guides all steps in the programme development process. Accordingly, the Centre's military training activities now focus on the armed forces as a distinct professional group, and course content and approach are targeted directly to the particular needs and duties of the modern soldier.

63. Certainly, traditional military training has, in many cases, included some attention to the laws of war, including the four Geneva Conventions of 1949. But human rights training, per se, has been conspicuously absent. Indeed, not uncommon within some military circles is the notion that human rights training and sensitization is inconsistent with effective military training. Soldiers, for this way of thinking, are warriors, and the waging of war is, by its very nature, contrary to human rights. The Centre's approach to military training takes issue with this notion for two reasons: first, international human rights standards, including but not always limited to humanitarian law, do apply in situations of armed conflict; and, secondly, the duties of modern professional soldiers are not limited to the waging of war but increasingly include civil policing duties, the maintenance of order and public safety under states of emergency, and assignment to international peace-keeping operations. The effective, professional and humane performance of these duties requires a knowledge of and sensitization to human rights standards, and the skills to apply those standards in the daily work of the military. This is the focus of the Centre's training courses for the armed forces.

64. Furthermore, in recognition of the above and in response to requests from Governments, several of the country programmes currently under development within the Centre's technical cooperation branch contain military training components. The Centre has thus accelerated its programme development activities in this area, consistent with its commitment to effective technical cooperation.

8. Human rights and the resolution of conflicts between citizens and State organs

65. The Centre for Human Rights introduced a new programme component on conflict resolution in 1993. This component is designed to provide course

participants with information on peaceful conflict-resolution techniques and on the use of legal, administrative and human rights institutions for the settlement of disputes. Courses of this nature are particularly targeted both to relevant Government agencies and to certain groups in society, such as trade unions, minority groups, non-governmental organizations and political parties. The role and functions of the judiciary, of national human rights institutions, of administrative agencies and of alternative dispute resolution mechanisms are important topics included in these activities. It may be recalled that, in its resolution 1993/24, the Commission on Human Rights, with regard to minorities, called for the programme of advisory services and technical assistance to provide expert assistance in the area of conflict resolution.

9. Treaty reporting and international obligations: training of government officials

66. The Centre for Human Rights regularly organizes training activities to enable government officials properly to prepare reports required under the various international human rights treaties to which their State is a party. In some cases, courses in reporting obligations are offered at the national or regional level. In others, the Centre provides fellowships for government officials to travel to Geneva, where training courses for multiple countries are held. During these courses, participants are afforded the opportunity to take part in workshops with experts from the various treaty-monitoring committees, as well as with the relevant staff of the Centre. In some cases, they are given the opportunity to sit as observers during meetings of the treaty bodies themselves. In every case, participants are provided with copies of the Centre's Manual on Human Rights Reporting.

67. Under the new approach of the Centre to training, course participants engage in practical exercises, which allow them to test the drafting skills which are imparted by the course. Separate units operate for the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

10. Curriculum development and education for human rights: training of teachers and curriculum developers

68. In recognition of the importance of education for human rights, the Centre for Human Rights has developed, within its programme of advisory services and technical assistance, a range of training and development initiatives for primary, secondary and tertiary education levels. These activities aim to assist in the building of a human rights culture by encouraging the inclusion of human rights concepts in existing programmes; assisting in the adaptation or modification of curricula, where necessary; and providing instruction and

assistance to those persons centrally involved in the human rights educational process.

69. There are several different means by which these objectives are pursued. The first is teacher training, whereby the Centre offers programmes of training for both primary and secondary school teachers. Courses can also be constructed to accommodate other groups in a position to promote human rights education and sensitize others in this field, such as teacher trainers, directors of schools or of teacher-resource centres, inspectors and teachers within the relevant ministry involved in curriculum development and education.

70. In keeping with the Centre's emphasis on practicality and collegiality, all courses are conducted by international experts experienced in teaching, teacher training and human rights. Participants are instructed in the concept of human rights and the systems that have been developed to recognize and implement those rights. Training is also provided in appropriate pedagogical techniques for imparting human rights information to students, as well as in methods for resolving conflicts both within and outside the classroom.

71. In addition to its training activities, the Centre also provides specialized assistance in national curriculum development at the primary, secondary, tertiary and non-formal levels. Such assistance can range from suggestions for including human rights concepts in civic education efforts to the development of human rights legal education courses in universities.

72. These endeavours represent relatively recent initiatives in the advisory services and technical assistance programme, and for this reason the Centre is subjecting all such activities to careful evaluation and follow-up.

11. Support to non-governmental organizations and civil society

73. National and international non-governmental human rights organizations are key actors in the advisory services and technical assistance programme of the Centre for Human Rights. Non-governmental organizations both assist in the delivery of such services and benefit as recipients of them. Thus, in furthering the programme's goal of strengthening civil society, the Centre is increasingly being called upon by Governments and others to provide assistance to national non-governmental organizations, in the context of its country activities, by soliciting their input, inviting them to seminars and training courses, and supporting appropriate projects developed by them. In these ways, the programme is able to contribute to the development of capacities for national non-governmental organizations to assume more effectively their crucial role in democratic society. Non-governmental organizations also interact with the programme by contributing their considerable expertise in the form of consultants and documentation at both the needs-assessment and implementation phases.

74. Increasingly, the Centre's country programmes include components targeted directly to assisting non-governmental human rights groups, women's organizations, labour organizations and other key actors in civil society. The goal of such projects is to strengthen the capacity of such organizations to

fulfil their legitimate and important role in generating a vigilant, continuous, informed and effective domestic demand for human rights and fundamental freedoms.

12. Human rights and the media

75. The Centre for Human Rights has introduced a programme component targeted to strengthening the role that the mass media play in the promotion of human rights, and to informing media professionals of the content and scope of the international human rights to free expression and information.

76. Courses and seminars offered under this programme component follow the Centre's practical approach to training, with panels of experts drawn largely from the mass media themselves. Topics discussed include the situation of the press and audiovisual media in the country; public perceptions of human rights through television; constitutional provisions, press laws and laws on freedom of information and expression; access to information; professional conduct; the problems of censorship; media and human rights education; the role of the press in the development of a pluralistic society; and obstacles to human rights reporting.

13. Information and documentation projects

77. The advisory services and technical assistance programme also provides assistance, both in the provision of human rights information and documentation and in the building of capacity properly to utilize and manage such materials. This includes direct provision of documentation, translated where necessary into local languages; training in human rights informatics; and assistance in computerization of national and regional human rights offices. This programme component is intended to increase the availability of human rights information at each location, to strengthen information-handling capacity at those locations and to facilitate networking among the various national and regional human rights institutions.

78. Creating public knowledge of human rights is the central goal of the programme, which implicitly recognizes the key role of national and regional institutions, non-governmental organizations and civil society in human rights protection. The translation of human rights documents into local languages and the preparation of a range of information materials are common elements of the programme component, as described in more detail in the annual report of the Secretary-General to the Commission on Human Rights on public information in the field of human rights. 4/ Assistance can also be provided to national libraries for human rights books and documentation, and support can be given for the establishment and functioning of national or regional human rights documentation institutes or centres.

79. Capacity-building activities, particularly with regard to computerization and training in information management, are a priority area of this programme component, consistent with Commission on Human Rights resolution 1993/87, in which the Commission invited the Centre for Human Rights to "give special

attention to strengthening the capacity of national and regional institutions to collect and disseminate information on human rights and establish common practices for cooperation with the United Nations in this area".

80. The Centre is currently focusing, in addition, on the elaboration of teaching manuals and handbooks on human rights for various target groups and/or on specific subject areas. These manuals are intended to provide valuable practical support to the training activities, which are a principal aspect of the United Nations human rights programme. In this regard, the Centre is developing a new approach, aimed at including in the manuals practical recommendations for effective pedagogical techniques. In this way, the impact of the Centre's training exercises can be enhanced, and their efficiency maximized. The Centre believes that the production of such materials will obviate the need for the repeated ad hoc preparation of course materials, while at the same time facilitating an approach designed to "train the trainers", thus allowing for the broadest possible dissemination of the principles to be taught, with the minimum necessary resource expenditure.

14. Human rights fellowships

81. General Assembly resolution 926 (X) of 14 December 1955 made direct provision for the human rights fellowship programme. Under the terms of that resolution, assistance provided by the Secretary-General is to be rendered in agreement with Governments on the basis of their requests. As part of the advisory services and technical assistance programme, fellowships are awarded only to candidates nominated by their Governments, and are financed under the regular budget for advisory services.

82. The Secretary-General annually sends out invitations to member States to submit nominations for fellows. Governments are reminded that nominees should be directly involved in functions affecting human rights, particularly in the administration of justice. The Secretary-General also draws their attention to concerns expressed by the General Assembly, in many of its resolutions, with respect to the rights of women, and encourages the nomination of women candidates. The principle of geographical distribution is taken into account and priority is given to candidates from States which have not benefited from the fellowship programme at all, or have not done so in recent years. No more than one candidate from any given State is awarded a fellowship during the same year.

83. As to the curriculum, all fellows spend the opening and the closing weeks of the programme at the Centre for Human Rights at Geneva. During the first week at Geneva, they receive briefings by staff members of the Centre on the United Nations system under the Charter; United Nations organs dealing with human rights questions; human rights instruments monitored by treaty bodies; and the structure and activities of the Centre for Human Rights.

84. Subsequently, the nominees participate for three weeks in the human rights training course of the International Institute of Human Rights, at Strasbourg, France, where they follow courses on the American, African and European human rights protection systems. The fellowship programme also contains a special

course on international humanitarian law, as well as study and discussions of substantive issues such as the death penalty, torture, disappearances, the rights of the child, and marriage and family rights.

85. At the conclusion of the programme, the fellows spend an additional week at the Centre at Geneva, where they attend meetings of the Human Rights Committee and pre-sessional working groups of the Subcommission on Prevention of Discrimination and Protection of Minorities (on the questions of slavery and slavery-like practices, and indigenous peoples, respectively). The fellows are also briefed on the work of United Nations agencies including the International Labour Organization, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization. Participants are encouraged to exchange experiences among themselves, and are requested to evaluate the fellowship programme, to present individual oral reports and to prepare recommendations for their superiors based on information learned during the programme. Finally, in accordance with the policies and procedures governing the administration of United Nations fellowships, each fellow is required to submit a comprehensive final report to the Centre for Human Rights on subjects directly related to their field of activities.

86. Following the conclusion of the 1993 fellowship programme, the Centre conducted a comprehensive evaluation, which resulted in the elaboration of a plan for the programme's revision. Among the changes adopted for subsequent fellowship programmes was the decision to hold the 1994 session at the International Labour Organization's training centre at Turin, Italy.

15. Needs assessments for human rights, democracy and the rule of law

87. Under the programme of advisory services and technical assistance, the Centre for Human Rights responds to most government requests by conducting a careful assessment of the country's particular human rights assistance needs (see para. 16 above).

88. Needs-assessment missions conducted by the Centre are typically composed of carefully selected international experts, accompanied by specialized staff of the Advisory Services, Technical Assistance and Information Branch. Experts are selected on the basis of their knowledge of international human rights standards and their domestic implementation, and their familiarity with the country or region in question. During such missions, a wide range of parties are consulted in the country, including both governmental and non-governmental organizations and individuals. All information collected is then analysed and incorporated in a detailed report, offering recommendations for specifically targeted technical assistance activities.

89. The Centre also carries out periodic evaluations of country programmes in order that the effect of such programmes may be gauged and follow-up plans developed. Such activities are seen by the Centre to be crucial to ongoing efforts to strengthen and improve the programme.

16. Field officers

90. The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights (part II, para. 7), foresees the assignment of human rights officers if and when necessary to regional offices of the United Nations with the purpose of disseminating information and offering training and other technical assistance in the field of human rights upon the request of concerned member States.

91. As the Organization continues to move towards a policy of committing itself to long-term assistance to countries emerging from crisis or undergoing democratic transition, an increase in long-term human rights technical assistance projects may also be envisaged, as is reflected in the comprehensive country programme approach adopted by the Centre for Human Rights (see paras. 13-17 above). To meet the ongoing challenges presented by this development, the programme has begun to establish a broader field presence through, in selected cases, the establishment of national or regional field offices. Such operations are carried out under the direct supervision of the Centre and are responsible for the direct implementation of the technical assistance programme, from the identification of needs, to the carrying out of project elements, to reporting on projects completed. The programme has established field presences in Burundi, Cambodia, Guatemala, Malawi and Romania.

III. PROPOSALS FOR STRENGTHENING THE PROGRAMME OF ADVISORY SERVICES AND TECHNICAL ASSISTANCE

92. The programme of advisory services and technical assistance remains the sole source within the United Nations system of comprehensive assistance for strengthening the rule of law, based on relevant United Nations standards as laid down by half a century of human rights standard-setting within the Organization. The Centre for Human Rights, which develops and implements the programme under the overall direction of the United Nations High Commissioner for Human Rights, is the only unit within the United Nations system that is specifically and exclusively charged with institutional responsibility for human rights.

93. This responsibility includes gathering and analysing information on the human rights situation in all countries and - through the various human rights bodies - keeping it under periodic review; providing substantive services to United Nations bodies in the development of international human rights standards; assessing the human rights needs, including institutional needs, of individual member States; developing technical cooperation programmes aimed at building and strengthening national human rights and legal infrastructures; and producing human rights information and training materials. In addition, in connection with its mandated functions, the Centre continually gathers information and materials on the human rights activities of Member States, intergovernmental and non-governmental organizations, specialized agencies and other United Nations actors. Thus, the Centre is in the unique position of serving, under the High Commissioner for Human Rights, as the hub for the world-wide human rights network. It is, in short, a sort of repository of cumulative institutional expertise in human rights and the elements of the rule of law from

the international perspective, and this expertise is essential to the development of United Nations efforts aimed at the strengthening of the rule of law in Member States.

94. Accordingly, these capacities are the bases for the Centre's programme of advisory services and technical assistance and its efforts to assist States in strengthening the rule of law in their respective jurisdictions. The unique profile of this programme, as it has evolved over the 40 years of its existence, makes it the most appropriate mechanism for responding to the concerns of the World Conference on Human Rights and the General Assembly regarding provision of assistance to States for the strengthening of the rule of law.

95. Thus, having taken into account existing programmes and activities already undertaken by the Centre for Human Rights, consistent with paragraph 3 of General Assembly resolution 48/132, it is clear that the substantive and operational capacities necessary to respond to that resolution exist within the Centre's programme of advisory services and technical assistance. While the establishment of new programmes is therefore neither necessary nor advisable, enhanced United Nations support for national efforts to ensure the good functioning of the rule of law will require the strengthening of the existing programme, if it is to respond effectively to the growing demands placed upon it. The following concrete proposals are therefore offered, consistent with the request contained in paragraph 3 of General Assembly resolution 48/132.

Proposal 1 - Increased project funds

96. In spite of the dramatic increase in demand for assistance under the programme in recent years, the financial resources available for its implementation have remained inadequate, under both the regular budget allocation of the United Nations and the Voluntary Fund for Technical Cooperation in the Field of Human Rights. The recently adopted comprehensive approach of the programme is based on a recognition of the critical links between various national institutions, legal infrastructures and educational activities, and their interrelated impact on efforts to advance the protection of human rights under the rule of law. While this development has increased the value of the programme to countries benefiting from it, it has, at the same time, stretched resource demands beyond current capacities. Consistent with the General Assembly's expressed conviction, in paragraph 2 of resolution 48/132, that the programme "should be able to provide, upon the request of the interested Government, technical and financial assistance for the implementation of national plans of action as well as specific projects in reforming penal and correctional establishments, education and training of lawyers, judges and security forces in human rights, and any other sphere of activity relevant to the good functioning of the rule of law", substantially increased funding must be made available to the programme, which now faces a backlog of requests beyond its financial capacity.

Proposal 2 - Increased staffing levels

97. Similarly, while the programme has grown exponentially in recent years in terms of the number of requests for assistance, the number of substantive project areas under the programme and the complexity of project areas required

to support effectively national efforts at strengthening the rule of law, staffing levels have remained relatively static. Currently, professional officers assigned to the design, implementation and follow-up of projects under the programme, including temporary assistance staff, number approximately 13. In addition to administering and implementing the annual United Nations human rights fellowship programme, the human rights internship programme, the human rights publications programme and the programme of external relations, these staff are currently charged with the global implementation of the technical cooperation programme in 47 countries, in addition to regional activities and regional institutional support programmes. They are charged, additionally, with substantive programme development in 17 distinct thematic areas relating to the technical cooperation programme. Including secretarial and administrative support staff and senior officers charged with the management of the programme, the entire staff responsible for all of these areas and the global mandate number only 25. The staff charged with the programme are thus operating beyond reasonable capacity, and the programme will accordingly be unable to respond to pending and further requests for assistance from Governments without substantial supplementing.

Proposal 3 - Capital assistance funds

98. As noted above, the limited amount of funding available under the programme is insufficient even for meeting the needs of requesting Governments for advisory services of experts, training, information and related technical cooperation activities in the field of human rights. The programme has therefore been unable to provide any substantial financial assistance for capital assistance needs that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries which are committed to these ends, but which face economic hardship due to economic underdevelopment, crisis, or transition.

99. Nevertheless, financial and material assistance for these needs remain as important as technical assistance, if Governments are to be successful in their efforts to ensure the protection of human rights under the rule of law. Thus, in order to meet the concerns of General Assembly resolution 48/132, in which it is specifically stated that the programme should be able to provide both technical and financial assistance to Governments, additional funding will be required to address capital assistance needs for human rights and the rule of law, such as financial and material support for the physical improvement of prison conditions; for start-up costs, equipment and materials for new institutions or the strengthening of existing institutions, including judiciaries, human rights commissions and ombudsman offices; for the equipping and strengthening of law schools; for independent mass media development; for the staffing and equipping of democratically elected parliaments; for legal resources; and for any other institutions necessary for the good functioning of the rule of law.

Proposal 4 - Further programme development

100. The programme has endeavoured, within available resources, to develop the substance and methodology of each of its constituent components in order to respond more effectively to the needs of requesting States. Accordingly, the

Centre for Human Rights has carried out careful and sustained programme development activities in support of a number of components, including police training, electoral assistance, national institution support, training for the military, and others. Programme development meetings have been convened at Geneva, with expert representation from each of the world's regions, and manuals and handbooks have been prepared in six programme areas. Materials on human rights and elections, on human rights and social work, on human rights and pre-trial detention, and on human rights reporting obligations under international instruments have already been published, and the Centre is preparing to issue two additional manuals, on human rights and policing and on human rights and national institutions, respectively.

101. As the Centre continues, in response to successive Commission on Human Rights resolutions (most recently its resolution 1994/69), to take measures to ensure that projects implemented under the programme are well prepared, additional and dedicated resources should be made available to support further programme development activities, in order that current plans for the development of the remaining components of the programme may be realized. Such programme development activities allow the Centre to improve the quality of its own assistance projects, while at the same time providing an opportunity to disseminate more broadly the substance of the Centre's programmes, such as through the broad distribution of manuals and handbooks. In addition, it should be noted that the development of such materials increases the resource efficiency of the programme by obviating the need for the ad hoc production of materials with each successive project. Furthermore, these programme development activities and the materials which result from them provide an objective and publicly accessible record of the neutral and universal content of the Centre's assistance activities, which has the effect of increasing confidence in the programme, while maximizing its utility, and providing a means for its crucial and ongoing improvement.

102. The Centre hopes to be in a position to continue its programme development activities, including through the convening of programme development expert meetings and the publication of manuals and handbooks in, inter alia, the following areas: national plans of action for human rights; human rights and constitutions; human rights and prisons; human rights and the military; human rights and conflict resolution; human rights and education; civil society and human rights; and human rights and the mass media. Such programme development should be encouraged and supported, including through the provision of necessary staff and funding, in the interest of ensuring that the programme is able to respond effectively to government requests in each of the substantive areas necessary for the good functioning of the rule of law.

Proposal 5 - Enhanced coordination through the United Nations High Commissioner for Human Rights

103. By its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, inter alia, providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance in the field of human rights; coordinating relevant United Nations education and public information programmes in the field of human rights; enhancing international

cooperation for the promotion and protection of all human rights; coordinating human rights promotion and protection activities throughout the United Nations system; rationalizing, adapting, strengthening and streamlining United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness; and carrying out overall supervision of the Centre for Human Rights.

104. Accordingly, ultimate authority and responsibility for the coordination and implementation of the advisory services and technical assistance programme, as carried out through the Centre for Human Rights, rests with the High Commissioner, under the direction and authority of the Secretary-General. As other actors in the United Nations system begin to undertake national assistance programmes in areas that touch upon human rights and the rule of law, it becomes increasingly important that due attention be given to the coordinating and substantive role of the High Commissioner and the Centre for Human Rights, in order that such activities will not be duplicative and that the substantive expertise of the Centre for Human Rights is fully incorporated into such programme activities.

105. To these ends, the expertise of the Centre's programme, its capacities for technical cooperation and for conducting needs assessments for human rights, democracy and the rule of law, and its related activities in support of the development of national plans of action should be taken into account in all related activities of the Organization, including peace-keeping operations, electoral support and development programmes. The Centre, under the direction of the High Commissioner, should remain the focal point for coordinating system-wide action for human rights, democracy and the rule of law, and this role should be enhanced, in order to ensure that all such activities are based on the universal human rights standards that form the foundations of the Centre's work.

IV. CONCLUSIONS

106. The existing programme of advisory services and technical assistance in the field of human rights is uniquely appropriate within the United Nations, in terms of mandate, substantive capacity, structure and necessary operational modalities, to provide assistance to States, at their request, in building and strengthening adequate national structures having a direct impact on the overall observance of human rights and the maintenance of the rule of law. In order for the programme to be in a position to respond effectively to increasing demands from States, and to address adequately the concerns expressed by the General Assembly in its resolution 48/132, as well as the request contained in part II, paragraph 70, of the Vienna Declaration and Programme of Action, project funds, staffing levels, and funds available for financial assistance should be increased. Further programme development, already under way in the Centre, should be encouraged, including through the provision of adequate resources for that purpose. Enhanced coordination of activities within the Organization should be pursued through the mandate of the High Commissioner for Human Rights, and the Centre for Human Rights should continue to serve as the unit responsible within the Organization, through its programme of advisory services and technical assistance, for the substance, administration and implementation of

activities in the field of human rights. The programme itself should continue with its comprehensive country programme approach, designed to address in a coordinated and integrated manner the various elements necessary for the good functioning of the rule of law, as set out in this report.

Notes

1/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III, sect. II, para. 69.

2/ Ibid., para. 70.

3/ E/CN.4/1994/78.

4/ E/CN.4/1994/36.